

Appl. No. 10/064,466
Amdt. dated April 21, 2005
Reply to Office action of January 25, 2005

REMARKS/ARGUMENTS

Please amend the present application as indicated in the "Amendments to the Specification" section of this response. The title is being amended to correct a spelling error.

Examiner:

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Netpulse Cycling, stepping, and surfing the net [July 9/99].

<http://www.monitor.ca/monitor/issues/vol6iss12/netstuff.html>

<http://www.netpulse.com/FitnessCenters.php?p=products>

Americans have found a new way to combine two of their obsessions by installing Internet terminals on exercise machines at fitness centers. San Francisco-based internet company Netpulse Communications has installed terminals at 300 fitness centers across the United States and expects that number to double by the end of the year.

The Netpulse monitors, which can be installed for \$3,000 US, have touch screens and are mounted on exercise bikes and stair climbers. Users can surf the web, send e-mail, listen to music, or watch TV while checking how many calories they have burned.

Response:

It is agreed that the cited Monitor magazine reference discloses monitors having touch screens that are mounted on exercise equipment. However, the cited reference fails to disclose many of the claimed limitations of the present application, features, which are not inherent or obvious. MPEP 2131 says, "to anticipate a claim, the reference must teach every element of the claim".

For example, independent claims 1 and 13 both state the limitations of having flash

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memory and a computer operating system for controlling the computer embedded within the flash memory. This limitation is not stated, implied, or obvious in the cited prior art or in the (undated) NetPulse link provided by the Examiner. The "monitor" reference merely states a "monitor" is mounted on the exercise equipment. As is well known in the art, there is no necessity for a "monitor" to include flash memory having an embedded operating system to control a computer, and therefore not inherent. Although it may be assumed that the reference monitor is somehow connected to a computer system somewhere, no suggestion can be found that an assumed reference computer system is an embedded system. Paragraph [0023] of the present application states "The use of an embedded computer system 20 reduces device failure due to vibrations to a minimum, and provides nearly instantaneous powerups and power-downs saving the user's time".

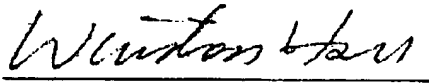
The claimed embedded system additionally increases portability of the system by reduced power consumption (Claim 6, Paragraph [0022]), allowing it to fully function while powered by a single internal battery (Claims 7, 18, Paragraph [0022]). Moreover, the Applicant is unable to find teachings in the cited references of the display device being waterproof and/or titlable (Claims 9, 10, and 16, Paragraph [0017]), or that the cited references utilize a wireless LAN protocol (Claims 11, 14, Paragraph [0021]).

The present application discloses an exercise apparatus that is physically married to an independently fully functional embedded computer system that uses a commercially available operating system (Paragraph [0019]) to entertain and educate a user while exercising. The embedded system has very low power requirements permitting greater portability with full operation utilizing a single internal battery for extended periods of time (Paragraph [0022]) and provides nearly instantaneous start-ups/shutdowns, saving the user time. These and other claimed limitations of the present application are not taught, suggested, inherent, or made obvious by known prior art and as such, represent a

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new and useful device. Therefore, the Applicant respectfully requests reconsideration and allowance of claims 1-18 and consideration and allowance of new claims 19-20.

5 Respectfully submitted,



Date: April 21, 2005

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15 is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan).